IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2435 of 2004

Between:

Ramachandra Enterprises, Represented by its Partner, Ch. Nagendra Kumar, S/o. Ramanchandra Rao, Hindu, Property and Business, R/o. Door No. 12-10-58, Convent Street,Vijaywada-1.

..... PETITIONER

AND

Vijaywada Municipal Corporation, Rep. by its Commissioner,
J.N. Buildings, Vijaywada, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one under writ of mandamus, directing the respondent corporation to dispose of the revision submitted by the petitioner on 30.03.2000 in response to a Special Notice for the Assessment No. 20176 declaring the inaction on the part of the officials of the respondent Corporation as illegal and ultravirus to the provisions of Article 14 of the Constitution of India and also the mandatory provisions of A.P. Muncipal Corporation Act.

Counsel for the Petitioner:MR.V.S.R.ANJANEYALU, Advocate.

Counsel for the Respondent : MR.T.S.VENKATA RAMANA & The Special Government Pleader for Taxes.

The Court at the admission stage made the following :

ORDER : (Per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. Counter has been filed.

It is a small controversy which is being disposed of at this stage.

A demand was created for Property Tax, by the respondents and the petitioner claims that he filed a Revision Petition which has not so far been decided. He has annexed an Acknowledgement Due form with the Writ Petition. This shows that some documents have been received by the Municipal Corporation, Vijayawada on 31.03.2000. According to the petitioner, this is the acknowledgement of the Revision Petition he had sent within time, through post. The respondents have denied having received any revision petition through post on 31.3.2000 from the petitioner, but they have nowhere stated in their affidavit anything about the acknowledgement, which was received by the Municipal Corporation, Vijayawada on 31.3.2000. Since the respondents have not stated as to what was received under the Acknowledgement Due Form attached to the Writ Petition, we presume that the Revision Petition had been received by the respondents on 31.3.2000. Since there is confusion whether there is any copy available with the respondents, of the Revision Petition or not, petitioner is directed to immediately furnish a copy of the Revision Petition before the respondents and the respondents shall decide the Revision within two weeks after receiving copy of Revision Petition.

Writ Petition is accordingly disposed of. No costs.

_____

(Bilal Nazki, J)

13th July, 2004.

_____

ajr. (P.S.Narayana, J)

To

1 The Commissioner, Vijaywada Municipal Corporation, J.N. Buildings, Vijaywada, Krishna District.

2 Two C.Cs. to the Special Government Pleader for Taxes, High Court buildings, Hyderabad (O.U.T).

3 Two C.D. Copies.